

Remarks

This amendment is responsive to the official action of November 23, 2005, which contained a final rejection. Applicant requests continued examination and presents this amendment in response to the rejection. Additional limitations are inserted to advance prosecution of the claims as amended. No new matter is presented.

Claims 1, 2 and 5-7 are pending and each depends directly or indirectly from claim 1. Claims 1, 5 and 7 were rejected as anticipated by US 6,641,057 – Thomas et al. Claims 1, 2 and 7 were rejected as anticipated by JP 2000037641 - Fumiko et al. Claim 6 was rejected as obvious, on the ground that it would be routine to change from a round shape as in the cited references to an oval shape as defined in claim 6.

The claimed invention is an attachment for the end of a shower hose that has a certain stated dimensional ratio between the size of the surface that emits water jets and the size of the hand grip by which the attachment is manually grasped and manipulated. As discussed in the specification, the particular size ratio claimed is advantageous in a shower hose attachment in that it has been found to enable the handheld showerhead to be manipulated efficiently and accurately, for directing the spray where needed as opposed to missing the target with overspray.

In the official action, certain structural portions of the prior art have been considered to meet certain structures defined in applicant's claims. The prior art devices are different from applicant's device in both structure and function. Therefore, applicant has now amended the claims to more particularly and distinctly define the structural differences. As amended, the claims as a whole are novel over the cited prior art. Moreover, there is no basis to assert that the claimed invention would have been obvious, as a whole, from the cited references.

Applicant's claim 1 defines a ratio of the length of the manual handgrip to the lateral size or diameter of the surface emitting the water jets. Claim 1 as amended specifies a handgrip as opposed to an unspecified structure that could conceivably be gripped in some unspecified way. An inherent aspect of a handgrip is a size large enough to be grasped by a human hand.

Applicant's claim 1 defines that the union nut that attaches the device to the shower hose acts as part of the grip. Claim 1 as amended now also recites the precise structure. The surface of the union nut that acts as part of the grip is flush with the surface of the handgrip.

With these changes, it is no longer possible to read the claims in the manner of the previous official action, onto prior art structures that lack the dimensional ratio and handgrip aspects that are particularly and distinctly defined in the amended claims. The prior art does not meet the invention claimed as a whole.

As regards claims 1, 2 and 7 versus JP 2000037641 - Fumiko, applicant has pointed out in a previous response that the element considered to meet the claimed "grip," as disclosed objectively by the Fumiko reference, has a length of 23mm. That length is approximately equal to the width of one human finger. Even assuming that some person might be willing or able to hold a shower emitting attachment between two opposed fingers, the claimed invention distinguishes from the prior art. Claim 1 has been amended to particularly and distinctly recite not merely a "grip" as might be minced between two opposed fingers, but a handgrip. By reference to a handgrip, claim 1 distinguishes over any retrospective analysis wherein the short stub attachment area in Fumiko might meet or suggest the invention defined in claim 1 as a whole.

Additionally and/or in the alternative, as regards claims 1, 5 and 7 versus US 6,641,057 – Thomas, applicant argued in the previous response that Thomas fails to disclose or suggest the size ratios defined in claim 1. The examiner disagreed that the ratios in Thomas are wrong.

The examiner regards element 64 in Thomas as a shower hose. As can be seen in Fig. 4 in Thomas, a flexible hose 70 is provided inside element 64 for carrying water. A sequence of engaged “bead” segments 76 shown in Fig. 5 are disposed over hose 70 and can be moved to assume fixed angles relative to one another, resulting in a fixed sinuous shape for element 64. The hose and supporting beads are enclosed within a flexible outer hose 80, also shown in Fig. 4, but element 64 is supposed to assume and hold a shape between the extremes of the shower hose shown in Fig. 4, namely from parts 72 to 79. Element 64 is a fixture that is supposed to allow the shower part to be aimed and fixed in position.

Assuming nevertheless that element 64 in Thomas shall be regarded as a shower hose, the prior art still fails to meet applicant’s claimed invention as a whole.

In Fig. 4 of Thomas, threaded part 72 is a shower pipe connector nut (col. 5, line 47). At the opposite end, element 79 as shown in Fig. 4 is not called out in Thomas’ description but the same element 96 is also shown in Fig. 5. Element 96 is plainly shown to be an endmost bead. By virtue of its shape, the endmost bead 79 or 96 is capable of assuming a fixed angle with the next adjacent part 156.

Assuming that element 64 is the hose, there is no basis to assert that element 156 is a union nut for the hose. Element 156 has no thread or abutment face perpendicular to its axis or other characteristics of a union nut. Furthermore, applicant’s claims as amended are not limited to the nature of connection of a union nut alone. Claim 1 as amended further recites that the union nut has an outer surface flush with an outer surface of the handgrip and acts as part of the handgrip. This aspect of the invention, also particularly and distinctly claimed, is not met or suggested in the prior art.

The claims as amended particularly and distinctly define the invention to distinguish over the prior art of record. The distinctions of the invention are not limited to the names of elements such that the names might broadly be read on diverse parts of the assembly, e.g., choosing in hindsight what part shall be

regarded as a handgrip or a union nut or a hose. The claims define a structure that differs from the prior art.

The invention also provides a beneficial result (effective and efficient manual manipulation for aiming) by means of the stated novel structure, with stated relative size ratios, referenced to a handgrip, and not to a single finger grip of 23 mm. The claimed invention literally distinguishes over the art and is therefore novel. The prior art does not disclose or suggest that any particular benefit might accrue from an arrangement of sizes and ratios as particularly claimed. Thus the prior art also does not demonstrate that the invention claimed as a whole would have been obvious.

The invention claimed as a whole is not disclosed in the prior art. The differences between the invention and the prior art are such that the subject matter claimed as a whole is not shown to have been known or obvious. Reconsideration and allowance are requested.

Respectfully submitted,

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